

# Senate File 326 - Introduced

SENATE FILE \_\_\_\_\_  
BY SCHMITZ

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for the removal of the requirement that two or  
2 more public school districts be contiguous in order to utilize  
3 financial, administrative, merger and dissolution, open  
4 enrollment, and sharing incentives and policies.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2525SS 83  
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1 1 Section 1. Section 256.11, subsection 12, Code 2009, is  
1 2 amended to read as follows:  
1 3 12. a. During the period of time specified in the plan  
1 4 for its implementation by a school district or nonpublic  
1 5 school, the school district or school remains accredited.  
1 6 b. The accreditation committee shall revisit the school  
1 7 district or nonpublic school and shall determine whether the  
1 8 deficiencies in the standards have been corrected and shall  
1 9 make a report and recommendation to the director and the state  
1 10 board. The committee recommendation shall specify whether the  
1 11 school district or school shall remain accredited or under  
1 12 what conditions the district may remain accredited. The  
1 13 conditions may include, but are not limited to, providing  
1 14 temporary oversight authority, operational authority, or both  
1 15 oversight and operational authority to the director and the  
1 16 state board for some or all aspects of the school district  
1 17 operation, in order to bring the school district into  
1 18 compliance with minimum standards.  
1 19 c. The state board shall review the report and  
1 20 recommendation, may request additional information, and shall  
1 21 determine whether the deficiencies have been corrected. If  
1 22 the deficiencies have not been corrected, and the conditional  
1 23 accreditation alternatives contained in the report are not  
1 24 mutually acceptable to the local board and the state board,  
1 25 the state board shall merge the territory of the school  
1 26 district with one or more ~~contiguous~~ school districts at the  
1 27 end of the school year.  
1 28 d. Division of assets and liabilities of the school  
1 29 district shall be as provided in sections 275.29 through  
1 30 275.31. Until the merger is completed, and subject to a  
1 31 decision by the state board of education, the school district  
1 32 shall pay tuition for its resident students to an accredited  
1 33 school district under section 282.24.  
1 34 e. ~~However, in~~ In lieu of merger and payment of tuition by  
1 35 a nonaccredited school district, the state board may place a  
2 1 district under receivership for the remainder of the school  
2 2 year. The receivership shall be under the direct supervision  
2 3 and authority of the director.  
2 4 f. The decision of whether to merge the school district  
2 5 and require payment of tuition for the district's students or  
2 6 to place the district under receivership shall be based upon a  
2 7 determination by the state board of the best interests of the  
2 8 students, parents, residents of the community, teachers,  
2 9 administrators, and board members of the district and the  
2 10 recommendations of the accreditation committee and the  
2 11 director. If the state board declares a nonpublic school to  
2 12 be nonaccredited, the removal of accreditation shall take  
2 13 effect on the date established by the resolution of the state  
2 14 board, which shall be no later than the end of the school year  
2 15 in which the nonpublic school is declared to be nonaccredited.  
2 16 Sec. 2. Section 275.1, Code 2009, is amended to read as

2 17 follows:

2 18 275.1 DECLARATION OF POLICY == SURVEYS == DEFINITIONS.

2 19 1. It is the policy of the state to encourage economical  
2 20 and efficient school districts which will ensure an equal  
2 21 educational opportunity to all children of the state. All  
2 22 areas of the state shall be in school districts maintaining  
2 23 kindergarten and twelve grades. If a school district ceases  
2 24 to maintain kindergarten and twelve grades except as otherwise  
2 25 provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1  
2 26 or subsections 1 and 3, or section 282.8, it shall reorganize  
2 27 within six months or the state board shall attach the school  
2 28 district not maintaining kindergarten and twelve grades to one  
2 29 or more adjacent districts. ~~Voluntary reorganizations under~~  
2 30 ~~this chapter shall be commenced only if the affected school~~  
2 31 ~~districts are contiguous or marginally adjacent to one~~  
2 32 ~~another.~~ A reorganized district shall meet the requirements  
2 33 of section 275.3.

2 34 2. If a district is attached, division of assets and  
2 35 liabilities shall be made as provided in sections 275.29 to  
3 1 275.31. The area education agency boards shall develop  
3 2 detailed studies and surveys of the school districts within  
3 3 the area education agency and all adjacent territory for the  
3 4 purpose of providing for reorganization of school districts in  
3 5 order to effect more economical operation and the attainment  
3 6 of higher standards of education in the schools. The plans  
3 7 shall be revised periodically to reflect reorganizations which  
3 8 may have taken place in the area education agency and adjacent  
3 9 territory.

3 10 3. As used in this chapter unless the context otherwise  
3 11 requires:

3 12 1- a. "Eligible elector" means eligible elector as  
3 13 defined in section 39.3, subsection 6.

3 14 2- b. "Initial board" means the board of a newly  
3 15 reorganized district that is selected pursuant to section  
3 16 275.25 or 275.41 and functions until the organizational  
3 17 meeting following the third regular school election held after  
3 18 the effective date of the reorganization.

3 19 3- c. "Marginally adjacent district" or "marginally  
3 20 adjacent territory" means a district or territory which is  
3 21 separated from a second district or territory by property  
3 22 which is part of a third school district which completely  
3 23 surrounds one of the two districts.

3 24 4- d. "Registered voter" means registered voter as  
3 25 defined in section 39.3, subsection 11.

3 26 5- e. "Regular board" means the board of a reorganized  
3 27 district that begins to function at the organizational meeting  
3 28 following the third regular school election held after the  
3 29 effective date of the school reorganization, and is comprised  
3 30 of members who were elected to the current terms or were  
3 31 appointed to replace members who were elected.

3 32 6- ~~"School districts affected" means the school districts~~  
3 33 ~~named in the reorganization petition whether a school district~~  
3 34 ~~is affected in whole or in part.~~

3 35 Sec. 3. Section 275.11, Code 2009, is amended to read as  
4 1 follows:

4 2 275.11 PROPOSALS INVOLVING TWO OR MORE DISTRICTS.

4 3 Subject to the approval of the area education agency board,  
4 4 ~~contiguous or marginally adjacent territory located in two or~~  
4 5 ~~more school districts may be united into a single district in~~  
4 6 ~~the manner provided in sections 275.12 to 275.22.~~

4 7 Sec. 4. Section 275.23A, subsection 1, paragraph c, Code  
4 8 2009, is amended to read as follows:

4 9 c. All director districts shall be composed of contiguous  
4 10 territory as compact as practicable unless the school district  
4 11 is composed of marginally adjacent territory. A school  
4 12 district which is composed of marginally adjacent territory  
4 13 shall have director districts composed of contiguous territory  
4 14 to the extent practicable.

4 15 Sec. 5. Section 275.51, unnumbered paragraph 1, Code 2009,  
4 16 is amended to read as follows:

4 17 As an alternative to school district reorganization  
4 18 prescribed in this chapter, the board of directors of a school  
4 19 district may establish a school district dissolution  
4 20 commission to prepare a proposal of dissolution of the school  
4 21 district and attachment of all of the school district to one  
4 22 or more ~~contiguous~~ school districts and to include in the  
4 23 proposal a division of the assets and liabilities of the  
4 24 dissolving school district. A school district dissolution  
4 25 commission shall be established by the board of directors of a  
4 26 school district if a dissolution proposal has been prepared by  
4 27 eligible electors who reside within the district. The

4 28 proposal must contain the names of the proposed members of the  
4 29 commission and be accompanied by a petition which has been  
4 30 signed by eligible electors residing in the school district  
4 31 equal in number to at least twenty percent of the registered  
4 32 voters in the school district.

4 33 Sec. 6. Section 275.52, Code 2009, is amended to read as  
4 34 follows:

4 35 275.52 MEETINGS.

5 1 1. The commission shall hold an organizational meeting not  
5 2 more than fifteen days after its appointment and shall elect a  
5 3 chairperson and vice chairperson from its membership.  
5 4 Thereafter the commission may meet as often as deemed  
5 5 necessary upon the call of the chairperson or a majority of  
5 6 the commission members.

5 7 2. The commission shall request statements from ~~contiguous~~  
5 8 school districts outlining each district's willingness to  
5 9 accept attachments of the affected school district to the  
5 10 ~~contiguous~~ districts and what conditions, if any, the  
5 11 ~~contiguous~~ school district recommends. The commission shall  
5 12 meet with boards of ~~contiguous~~ the school districts and with  
5 13 residents of the affected school district to the extent  
5 14 possible in drawing up the dissolution proposal. The  
5 15 commission may seek assistance from the area education agency  
5 16 and the department of education.

5 17 Sec. 7. Section 275.54, unnumbered paragraph 1, Code 2009,  
5 18 is amended to read as follows:

5 19 Within ten days following the filing of the dissolution  
5 20 proposal with the board, the board shall fix a date for a  
5 21 hearing on the proposal which shall not be more than sixty  
5 22 days after the dissolution petition was filed with the board.  
5 23 The board shall publish notice of the date, time, and location  
5 24 of the hearing at least ten days prior to the date of the  
5 25 hearing by one publication in a newspaper in general  
5 26 circulation in the district. The notice shall include the  
5 27 content of the dissolution proposal. A person residing or  
5 28 owning land in the school district may present evidence and  
5 29 arguments at the hearing. The president of the board shall  
5 30 preside at the hearing. The board shall review testimony from  
5 31 the hearing and shall adopt or amend and adopt the dissolution  
5 32 proposal. The board shall notify by registered mail the  
5 33 boards of directors of all school districts to which area of  
5 34 the affected school district will be attached and the director  
5 35 of the department of education of the contents of the  
6 1 dissolution proposal adopted by the board. If the board of a  
6 2 district to which area of the affected school district will be  
6 3 attached objects to the attachment, that portion of the  
6 4 dissolution proposal will not be included in the proposal  
6 5 voted upon under section 275.55 and the director of the  
6 6 department of education shall attach the area to a ~~contiguous~~  
6 7 different school district. If the board of a district to  
6 8 which area of the affected school district will be attached  
6 9 objects to the division of assets and liabilities contained in  
6 10 the dissolution proposal, section 275.30 applies for the  
6 11 division of assets and liabilities to that district.

6 12 Sec. 8. Section 275.55, subsection 1, Code 2009, is  
6 13 amended to read as follows:

6 14 1. After the final hearing on the dissolution proposal,  
6 15 the board of the school district shall submit the proposition  
6 16 to the voters at an election held on a date specified in  
6 17 section 39.2, subsection 4, paragraph "c". The proposition  
6 18 submitted to the voters residing in the school district shall  
6 19 describe each separate area to be attached to a ~~contiguous~~  
6 20 another school district and shall name the school district to  
6 21 which it will be attached. In addition to the description, a  
6 22 map may be included in the summary of the question on the  
6 23 ballot.

6 24 Sec. 9. Section 275.56, Code 2009, is amended to read as  
6 25 follows:

6 26 275.56 INCREASING ENROLLMENT.

6 27 If the enrollment of a school district increases or is  
6 28 expected to increase because ~~an adjacent~~ another district has  
6 29 dissolved or is expected to dissolve, the board of directors  
6 30 of the school district shall determine whether there is a need  
6 31 to hire additional licensed or unlicensed employees. If the  
6 32 board of directors determines that there is a need to hire  
6 33 additional employees, the board shall determine the nature and  
6 34 number of the necessary new positions. Individuals who were  
6 35 employees of the dissolved district may apply for the new  
7 1 positions. The board shall hire those applicants who were  
7 2 employees of the dissolved district whenever the applicant is  
7 3 licensed for the new position or, in the case of unlicensed

7 4 personnel, is otherwise qualified. If two employees of the  
7 5 dissolved district apply for a single licensed position, the  
7 6 applicant who is best qualified in the opinion of the board  
7 7 shall be hired. The board is not required to hire applicants  
7 8 who were employees of the dissolved district if the district  
7 9 has been dissolved for one or more school years. Applicants  
7 10 who are re-employed under this section shall maintain in the  
7 11 re=employing district vacation, salary or alternatively  
7 12 placement on a salary schedule based on the employee's years  
7 13 of experience, sick leave, and completion of probationary  
7 14 status as defined by section 279.19.

7 15 Sec. 10. Section 280.19A, unnumbered paragraph 1, Code  
7 16 2009, is amended to read as follows:

7 17 By January 15, 1995, each school district shall adopt a  
7 18 plan to provide alternative options education programs to  
7 19 students who are either at risk of dropping out or have  
7 20 dropped out. An alternative options education program may be  
7 21 provided in a district, through a sharing agreement with a  
7 22 school in a ~~contiguous~~ another district, or through an  
7 23 areawide program available at the community college serving  
7 24 the merged area in which the school district is located. Each  
7 25 area education agency shall provide assistance in establishing  
7 26 a plan to provide alternative education options to students  
7 27 attending a public school in a district served by the agency.

7 28 Sec. 11. Section 282.7, subsection 1, Code 2009, is  
7 29 amended to read as follows:

7 30 1. The board of directors of a school district by record  
7 31 action may discontinue any or all of grades seven through  
7 32 twelve and negotiate an agreement for attendance of the pupils  
7 33 enrolled in those grades in the schools of one or more  
7 34 ~~contiguous~~ school districts having accredited school systems.

7 35 If the board designates more than one ~~contiguous~~ district for  
8 1 attendance of its pupils, the board shall draw boundary lines  
8 2 within the school district for determining the school  
8 3 districts of attendance of the pupils. ~~The portion of a~~  
~~8 4 district so designated shall be contiguous to the accredited~~  
~~8 5 school district designated for attendance.~~ Only entire grades  
8 6 may be discontinued under this subsection and if a grade is  
8 7 discontinued, all higher grades in that district shall also be  
8 8 discontinued. A school district that has discontinued one or  
8 9 more grades under this subsection has complied with the  
8 10 requirements of section 275.1 relating to the maintenance of  
8 11 kindergarten and twelve grades. A pupil who graduates from  
8 12 another school district under this subsection shall receive a  
8 13 diploma from the receiving district. The boards of directors  
8 14 entering into an agreement under this section shall provide  
8 15 for sharing the costs and expenses as provided in sections  
8 16 282.10 through 282.12. The agreement shall provide for  
8 17 transportation and authority and liability of the affected  
8 18 boards.

8 19 Sec. 12. Section 282.11, Code 2009, is amended to read as  
8 20 follows:

8 21 282.11 PROCEDURE.

8 22 1. Not less than ninety days prior to signing a whole  
8 23 grade sharing agreement whereby all or a substantial portion  
8 24 of the pupils in a grade in the district will attend school in  
8 25 another district, the board of directors of each school  
8 26 district that is negotiating, extending, or renewing a sharing  
8 27 agreement, shall publicly announce its intent to negotiate a  
8 28 sharing agreement under section 21.4, subsection 1. Within  
8 29 thirty days of the board's public notice, a petition may be  
8 30 filed with the department of education requesting that a  
8 31 feasibility study be completed. The petition shall be signed  
8 32 by twenty percent of the eligible electors in the district.  
8 33 The director of the department of education may determine that  
8 34 a feasibility study conducted by the board satisfies the  
8 35 request, provided that the study conforms with the criteria

9 1 contained in section 256.9.  
9 2 2. Not less than thirty days prior to signing a whole  
9 3 grade sharing agreement whereby all or a substantial portion  
9 4 of the pupils in a grade in the district will attend school in  
9 5 another district, the board of directors of each school  
9 6 district that is a party to a proposed sharing agreement shall  
9 7 hold a public hearing at which the proposed agreement is  
9 8 described, and at which the parent or guardian of an affected  
9 9 pupil and certificated employees of the school district shall  
9 10 have an opportunity to comment on the proposed agreement.  
9 11 Within the thirty=day period prior to the signing of the  
9 12 agreement, the parent or guardian of an affected pupil may  
9 13 request the board of directors to send the pupil to another  
9 14 ~~contiguous~~ school district. For the purposes of this section,

9 15 "affected pupils" are those who under the whole grade sharing  
9 16 agreement are attending or scheduled to attend the school  
9 17 district specified in the agreement, other than the district  
9 18 of residence, during the term of the agreement. The request  
9 19 shall be based upon one of the following:  
9 20 1- a. That the agreement will not meet the educational  
9 21 program needs of the pupil.

9 22 2- b. That adequate consideration was not given to  
9 23 geographical factors.  
9 24 3. The board shall allow or disallow the request prior to  
9 25 the signing of the agreement, or the request shall be deemed  
9 26 granted. If the board disallows the request, the board shall  
9 27 indicate the reasons why the request is disallowed and shall  
9 28 notify the parent or guardian that the decision of the board  
9 29 may be appealed as provided in this section.

9 30 4. If the board disallows the request of a parent or  
9 31 guardian of an affected pupil, the parent or guardian, not  
9 32 later than March 1, may appeal the sending of that pupil to  
9 33 the school district specified in the agreement, to the state  
9 34 board of education. The basis for the appeal shall be the  
9 35 same as the basis for the request to the board. An appeal

10 1 shall specify a ~~contiguous~~ school district to which the parent  
10 2 or guardian wishes to send the affected pupil. If the parent  
10 3 or guardian appeals, the standard of review of the appeal is a  
10 4 preponderance of evidence that the parent's or guardian's  
10 5 hardship outweighs the benefits and integrity of the sharing  
10 6 agreement. The state board may require the district of  
10 7 residence to pay tuition to the ~~contiguous~~ school district  
10 8 specified by the parent or guardian, or may deny the appeal by  
10 9 the parent or guardian. If the state board requires the  
10 10 district of residence to pay tuition to the ~~contiguous~~ school  
10 11 district specified by the parent or guardian, the tuition  
10 12 shall be equal to the tuition established in the sharing  
10 13 agreement. The decision of the state board is binding on the  
10 14 boards of directors of the school districts affected, except  
10 15 that the decision of the state board may be appealed by either  
10 16 party to the district court.

10 17 Sec. 13. Section 282.18, subsection 13, Code 2009, is  
10 18 amended to read as follows:  
10 19 13. A pupil who participates in open enrollment for  
10 20 purposes of attending a grade in grades nine through twelve in  
10 21 a school district other than the district of residence is  
10 22 ineligible to participate in varsity interscholastic athletic  
10 23 contests and athletic competitions during the pupil's first  
10 24 ninety school days of enrollment in the district except that  
10 25 the pupil may participate immediately in a varsity  
10 26 interscholastic sport if the pupil is entering grade nine for  
10 27 the first time and did not participate in an interscholastic  
10 28 athletic competition for another school or school district  
10 29 during the summer immediately following eighth grade, if the  
10 30 district of residence and the other school district jointly  
10 31 participate in the sport, if the sport in which the pupil  
10 32 wishes to participate is not offered in the district of  
10 33 residence, if the pupil chooses to use open enrollment to  
10 34 attend school in another school district because the district  
10 35 in which the student previously attended school was dissolved

11 1 and merged with one or more ~~contiguous~~ school districts under  
11 2 section 256.11, subsection 12, if the pupil participates in  
11 3 open enrollment because the pupil's district of residence has  
11 4 entered into a whole grade sharing agreement with another  
11 5 district for the pupil's grade, or if the parent or guardian  
11 6 of the pupil participating in open enrollment is an active  
11 7 member of the armed forces and resides in permanent housing on  
11 8 government property provided by a branch of the armed  
11 9 services. A pupil who has paid tuition and attended school,  
11 10 or has attended school pursuant to a mutual agreement between  
11 11 the two districts, in a district other than the pupil's  
11 12 district of residence for at least one school year is also  
11 13 eligible to participate immediately in interscholastic  
11 14 athletic contests and athletic competitions under this  
11 15 section, but only as a member of a team from the district that  
11 16 pupil had attended. For purposes of this subsection, "school  
11 17 days of enrollment" does not include enrollment in summer  
11 18 school. For purposes of this subsection, "varsity" means the  
11 19 same as defined in section 256.46.

11 20 Sec. 14. Section 321.194, subsection 1, paragraph b,  
11 21 subparagraph (2), Code 2009, is amended to read as follows:  
11 22 (2) A district which is ~~contiguous to~~ not the district of  
11 23 residence of the parent or guardian of the student, if the  
11 24 student is enrolled in the public school which is not the  
11 25 school district of residence because of open enrollment under

11 26 section 282.18 or as a result of an election by the student's  
11 27 district of residence to enter into one or more sharing  
11 28 agreements pursuant to the procedures in chapter 282.

11 29 EXPLANATION

11 30 This bill provides for the removal of the requirement that  
11 31 two or more public school districts be contiguous in order to  
11 32 utilize financial, administrative, sharing, open enrollment,  
11 33 and mergers and dissolutions incentives and policies, and  
11 34 amends Code sections affected by such changes.

11 35 In current Code section 256.11(12), if the state board of  
12 1 education determines a school district has not met corrected  
12 2 deficiencies in order to receive accreditation, the state  
12 3 board may merge the school district with one or more school  
12 4 districts. The bill amends the subsection so that the school  
12 5 districts merged do not have to be contiguous.

12 6 Code section 275.1(1) is amended so that voluntary  
12 7 reorganizations by school districts may be allowed even if the  
12 8 school districts are not contiguous or marginally adjacent to  
12 9 one another, as the Code currently requires.

12 10 In Code section 275.11, the approval of an area education  
12 11 agency board to approve the merger of two or more school  
12 12 districts is amended to strike the requirement that the school  
12 13 districts be contiguous or marginally adjacent.

12 14 Code chapter 275 is further amended to strike the  
12 15 requirement that the area of a dissolved district only be  
12 16 attached to a contiguous district.

12 17 Current Code section 280.19A allows school districts to  
12 18 share alternative options education programs to assist  
12 19 students who are at risk of dropping out or who have dropped  
12 20 out. The Code section is amended so that noncontiguous school  
12 21 districts may work together with a sharing agreement on such  
12 22 programs.

12 23 Code section 282.7(1), which deals with whole=grade  
12 24 sharing, is amended to strike the provision that requires the  
12 25 sharing school districts to be contiguous.

12 26 Under current Code section 282.11, a parent may protest a  
12 27 sharing agreement between the child's school district and  
12 28 another school district and request to send the child to a  
12 29 different school district. The Code section is amended so  
12 30 that the parent does not have to choose a contiguous school  
12 31 district for the request.

12 32 Code section 282.18(13), setting out the open enrollment  
12 33 and sports eligibility rules for students, is amended to  
12 34 strike the word "contiguous" so that if school districts that  
12 35 are noncontiguous are merged, this Code section would still be  
13 1 applicable.

13 2 Code section 321.194(1)(b)(2), authorizing issuance of  
13 3 special minors' driver's licenses, is amended so that a  
13 4 student with this particular license may drive to and from the  
13 5 student's school district of attendance even if it is not  
13 6 contiguous to the student's school district of residence.

13 7 LSB 2525SS 83

13 8 ak/sc/5